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COMMISSION ON HUMAN RIGHTS
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FURTHER PROMOTION AND ENCOURAGEMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS, INCLUDING THE QUESTION OF THE PROGRAMME AND METHODS OF WORK OF THE COMMISSION

Chile, Costa Rica, Czech Republic*, Latvia*, Madagascar*, Netherlands, Poland and Slovakia*: draft resolution

Civil defence forces

The Commission on Human Rights,

Recalling that everyone has the right to life, liberty and security of person,

Considering the reports of the Secretary-General on civil defence forces submitted pursuant to Commission on Human Rights resolutions 1992/57 of 3 March 1992 (E/CN.4/1993/34) and 1993/54 of 9 March 1993 (E/CN.4/1994/38),

Taking note with interest of the observations regarding the use of civil defence forces not belonging to regular law enforcement agencies and the protection of human rights and fundamental freedoms contained in the reports of the Working Group on Enforced or Involuntary Disappearances,

Noting that the formation of civil defence forces to protect public order appears to be on the rise worldwide, particularly in areas of conflict,

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* In accordance with rule 69, paragraph 3, of the rules of procedure of the functional commissions of the Economic and Social Council.

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Recognizing that action by civil defence forces has in some cases jeopardized the enjoyment of human rights and fundamental freedoms,

Also recognizing that under exceptional circumstances, when public military and police forces are unable to act, there may be a need to establish civil defence forces to protect the civilian population,

Reaffirming the obligation of States under the Charter of the United Nations to promote universal respect for, and observance of, human rights and fundamental freedoms,

Realizing that the individual has a right and a responsibility to strive for the promotion and observance of the rights recognized in the International Covenant on Civil and Political Rights as well as in the International Covenant on Economic, Social and Cultural Rights,

1. Expresses its appreciation to the Governments and intergovernmental and non-governmental organizations that have provided information on domestic law and practice relating to civil defence forces or comments concerning their relation to the protection of human rights and fundamental freedoms, pursuant to Commission on Human Rights resolution 1993/54;

2. Recommends that, whenever armed civil defence forces are created to protect the civilian population, Governments establish minimum legal requirements for them, including the following:

(a) Civil defence forces shall only be deployed for the purpose of self-defence;

(b) Recruitment into them shall be voluntary and shall be effectively controlled by public authorities;

(c) Public authorities shall supervise their training, arming, discipline and operations;

(d) Commanders shall have clear responsibility for their activities;

(e) Civil defence forces and their commanders shall be clearly accountable for their activities;

(f) Offences involving human rights violations by such forces shall be subject to the jurisdiction of the civilian courts;

3. Invites the special rapporteurs, working groups and treaty bodies concerned to continue to pay due attention, within their mandates, to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms.